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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No.	09/546,993	Confirmation No. 4578	
Applicants	David P. Tong	Title: Method and Computer Program Product for Reducing Colormap Flashing	
Filed	April 11, 2000		
TC/A.U.	2672		
Examiner	Faranak Fouladi Semnani	REPLY UNDER 37 CFR 1.193(a)	
Docket No.	P2807		
Customer No.	32658		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

In response to the Examiner's Answer was mailed April 20, 2004, please consider the following remarks and arguments.

REMARKS/ARGUMENTS

I. Brief Summary of the Invention

Upon reviewing the Examiner's Answer, it seems apparent that the Examiner misunderstands the invention as claimed by Appellant. To assist the Board in its review and decision, the following portions of the Summary of the Invention from Appellant's Supplemental Appeal Brief are provided to explain Appellant's invention. It is believed that this summary will assist the Board in understanding why Appellant continues to argue in this Reply that the claimed invention is not shown or even suggested by the art cited by the Examiner.

"Briefly, the invention is directed toward a method, and associated system, for preventing colormap flashing by <u>simulating</u> allocation of a private colormap <u>without actually ever developing or creating such a private colormap</u>. As discussed at page 8, lines 1-23 of the specification, colormap flashing in prior art devices occurs when a switch is made between a default colormap and a private colormap.

The invention does not use or allocate a private colormap. This is indicated in the system of Figure 2 which shows the use of a secondary lookup table 12 along with a default colormap 14 to respond to an application 16 requesting a private colormap to control the display 18 without flashing. The claimed method is described with reference to Figures 4 and 5, and as stated at page 13, lines 16-19, the method enables satisfaction of a request for allocation of a private colormap to be satisfied 'without having to overwrite or 'switch out' the default colormap from the frame buffer' and in this manner, 'colormap flashing is eliminated.'

As discussed in the specification at page 10, lines 13-19 with reference to Figure 4B, simulating allocation of a private colormap "involves transparently using a secondary lookup table...having entries which are mapped to the entries of the default colormap. This secondary lookup table is used so that the application program...'believes' that it is still properly obtaining an allocated private colormap for its use, however, in actuality the default colormap is utilized." Referring to the specification at page 10, lines 19-23 with reference to Figure 4B, colormap flashing is prevented since in the method of the invention the "<u>default colormap is retained in the frame buffer</u>, rather than being swapped out. Instead of returning a 'private' colormap, the software <u>returns a reference to the default colormap</u> and then provides functionality so that the default colormap behaves like a private colormap.

Several cells in the "simulated private colormap" may map to the same entry in the default colormap leading the application to believe the cells contain different colors.

After associating the cell of the secondary look up table with the location of a cell in the default colormap, step 518 is performed to return the location of the cell to the requesting application as a reference to the secondary lookup table (see also the specification at page 13, lines 9-15). In this manner, **private color allocation requests are satisfied without creation of a private colormap, which avoids the need for switching between a private colormap and the default colormap that can cause flashing.**"

This last portion of the Summary is highlighted to stress that the invention does not create a private colormap but instead uses alternative methods and/or components to respond to an application's request for allocation of a private colormap. As will become clear from the following discussion, features that help avoid the need for allocating a private colormap are included in limitations of independent claim 6 in contrast to statements made in the Examiner's Answer. Hence, the invention of claim 6 (as well as the other pending claims) prevents flashing associated with the use of a private colormap.

II. Reply to Examiner's Arguments Regarding Claim 6

In the first paragraph of page 4 of the Examiner's Answer, the Examiner states that Appellant's argument is based on language not presented in claim 6. This assertion is incorrect.

In the first paragraph of page 5 of the Appeal Brief, Appellant states that claim 6 is directed to "transparently simulating the allocation of the private colormap using a default colormap" and further that this "simulating" includes "allocating a secondary lookup table comprising entries mapped to entries in the default colormap." Both of these features are found in claim 6. Appellant further argued that Young fails to teach simulating a private colormap rather than creating one including "allocating a secondary lookup table..." Hence, Appellant is arguing the language of the claims that is missing from Young, and Appellant reasserts that the 102 rejection based on Young is improper and should be withdrawn.

In the Examiner's Answer beginning at the bottom of page 5, the Examiner states that Appellant argues that the difference between the use of a private colormap and simulating a private colormap using the default colormap is an important element of the claimed invention. This statement is correct. As noted in Appellant's Appeal Brief in the third paragraph of page 5, the Examiner has continued to argue that Young teaches claim 6 while at the same time asserting that "Young teaches the use of private colormaps." Appellant claims in claim 6 the use of a secondary lookup table with a default colormap to "simulate" a private colormap which eliminates the need for actually allocating or using a private colormap as is taught by Young (and admitted by the Examiner). The Examiner, however, urges that Appellant is arguing language not in the claim with the statement that the claimed simulating feature is important because it is "used to prevent color-map flashing." However, the feature that produces or provides this intended function of preventing color-map flashing, i.e., the "transparently simulating the allocation of the private colormap using a default colormap", is clearly stated in the claim. Further, Examiner has failed to show where in Young this is taught but has instead shown consistently that private colormaps are used by Young, which, as explained by Appellant, would likely produce undesirable flashing. Hence, Young actually teaches away from the invention of claim 1.

In the first full paragraph of page 6, the Examiner states that Appellant's characterization of a "private colormap" as quoted from Appellant's specification at page 3, lines 1-2 is not claim language. However, Appellant included this language in the Appeal Brief to explain more fully what Young is teaching with its description of private colormaps that is in contrast to what Appellant is claiming-- not for teaching how "simulating the allocation of the private colormap" is performed as called for in claim 6. Appellant is NOT actually creating a private colormap, and so, this private colormap defining language is not included in claim 6.

Appellant further disagrees with the Examiner that Young shows the simulating feature of claim 6. In the Examiner's Answer, the Examiner is tainting Appellant's argument by overemphasizing an exemplary paraphrasing of existing claim language. Examiner asserts at page 6, second full paragraph that Appellant improperly argued that simulating of a private colormap as called for in claim 6 by "allocating a secondary lookup table mapped with entries in the default colormap" is not shown by Young because Appellant included the phrase "i.e., a location or reference to a cell in the default colormap is stored in the secondary

lookup table." This paraphrasing of the "allocating a secondary lookup table mapped with entries in the default colormap" was provided merely for further explanation of existing claim language, which Appellant argues was and is misunderstood by the Examiner.
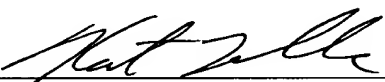
The claimed mapping is different from using a private colormap as taught by Young because the use of private colormaps results in a color value being stored in direct contrast to mapping between a secondary lookup table with entries in a default colormap as called for in claim 6. The Examiner also objected at page 6, third paragraph of the Examiner's Answer, to references to page 10, line 14 and Figure 5 of Appellant's specification as arguing language not in the claims, but again, this merely was an attempt by Appellant to explain how the claimed "secondary lookup table" and mapping to a default colormap are achieved and how these produce better results (no flashing) when compared with Young's use of private colormaps.

Conclusion

In view of the reasons previously presented in Appellant's Appeal Brief and the further remarks provided above, claims 1 and 3-8 are believed to be allowable over Young and Aschenbrenner when considered alone or in combination. Appellant respectfully requests that the Examiner's rejections be overturned.

Respectfully submitted,

Date: June 10, 2004   BY:_____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David P. TONG

Serial No. 09/546,993

Filed: April 11, 2000

For: METHOD AND COMPUTER
PROGRAM PRODUCT FOR
REDUCING COLORMAP
FLASHING

Examiner: F. FOULADI SEMNANI

Art Unit: 2672

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The undersigned hereby certifies that the following documents:

- Appellant's Reply Brief;
- Certificate of Mailing by Express Mail
- Return Receipt Postcard

relating to the above application, were deposited as "Express Mail", Mailing Label No. EV322530374US with the United States Postal Service, addressed to The Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on <u>June 10, 2004</u>.

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